

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 336**

**Introduced by Assembly Member Huff**

February 10, 2005

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An act to amend Section 11366.8 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 336, as amended, Huff. Controlled substances.

Existing law makes it a crime for any person to possess, use, or control a false compartment with the intent to store, conceal, smuggle, or transport a controlled substance within the false compartment.

This bill would ~~make a technical, nonsubstantive change to this provision~~ *revise this provision to broaden the scope of its application by providing in addition that it is a crime for any person to possess, use, or control a false compartment with the intent to store, conceal, smuggle, or transport any unlawfully possessed firearm or destructive device, as defined, or specified currency, money, negotiable instruments, or securities valued at \$5,000 or more intended to be exchanged for an unlawful purchase of controlled substances or that are the proceeds of an unlawful purchase of controlled substances, within the false compartment. By creating new crimes or expanding the scope of existing crimes, this bill would impose a state-mandated local program upon local government.*

*This bill would further provide that no vehicle belonging to a defendant convicted under this provision shall be returned to that defendant or otherwise disposed of until the false compartment is rendered unusable, except if the vehicle is being sold for scrap metal.*

*By imposing new duties on local peace officers, this bill would impose a state-mandated local program upon state government.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11366.8 of the Health and Safety Code  
2     is amended to read:  
3     11366.8. (a) ~~(1)~~—Every person who possesses, uses, or  
4     controls a false compartment with the intent to store, conceal,  
5     smuggle, or transport a controlled substance, *any unlawfully*  
6     *possessed firearm or destructive device, or at least five thousand*  
7     *dollars (\$5,000) in currency, money, negotiable instruments, or*  
8     *securities that are intended to be exchanged for an unlawful*  
9     *purchase of a controlled substance or are the proceeds from an*  
10    *unlawful purchase of a controlled substance* within the false  
11    compartment shall be punished by imprisonment in a county jail  
12    for a term of imprisonment not to exceed one year or in the state  
13    prison.  
14    ~~(2)~~  
15    (b) Every person who designs, constructs, builds, alters, or  
16    fabricates a false compartment for, or installs or attaches a false  
17    compartment to, a vehicle with the intent to store, conceal,  
18    smuggle, or transport a controlled substance, *any unlawfully*  
19    *possessed firearm or destructive device, or at least five thousand*  
20    *dollars (\$5,000) in currency, money, negotiable instruments, or*  
21    *securities that are intended to be exchanged for an unlawful*  
22    *purchase of a controlled substance or are the proceeds from an*  
23    *unlawful purchase of a controlled substance* shall be punished by

1 imprisonment in the state prison for 16 months or two or three  
2 years.

3 ~~(b)~~

4 (c) The term “vehicle” means any of the following vehicles  
5 without regard to whether the vehicles are private or commercial,  
6 including, but not limited to, cars, trucks, buses, aircraft, boats,  
7 ships, yachts, and vessels.

8 ~~(e)~~

9 (d) The term “false compartment” means any box, container,  
10 space, or enclosure that is intended for use or designed for use to  
11 conceal, hide, or otherwise prevent discovery of any controlled  
12 substance, *any unlawfully possessed firearm or destructive*  
13 *device, or at least five thousand dollars (\$5,000) in currency,*  
14 *money, negotiable instruments, or securities that are intended to*  
15 *be exchanged for an unlawful purchase of a controlled substance*  
16 *or are the proceeds from an unlawful purchase of a controlled*  
17 *substance* within or attached to a vehicle, including, but not  
18 limited to, any of the following:

19 (1) False, altered, or modified fuel tanks.

20 (2) Original factory equipment of a vehicle that is modified,  
21 altered, or changed.

22 (3) Compartment, space, or box that is added to, or fabricated,  
23 made, or created from, existing compartments, spaces, or boxes  
24 within a vehicle.

25 (e) *The term “firearm” means any device, designed to be used*  
26 *as a weapon, from which is expelled through a barrel a projectile*  
27 *by the force of any explosion or other form of combustion; the*  
28 *term “firearm” includes the frame or receiver of the weapon; the*  
29 *term “firearm” also shall include any rocket, rocket propelled*  
30 *projectile launcher, or similar device containing any explosive or*  
31 *incendiary material whether or not the device is designed for*  
32 *emergency or distress signaling purposes. The term “firearm”*  
33 *does not include an unloaded firearm that is defined as an*  
34 *“antique firearm” in Section 921(a)(16) of Title 18 of the United*  
35 *States Code.*

36 (f) *The term “destructive device” is defined in Section 12301*  
37 *of the Penal Code.*

38 (g) *No vehicle containing a false compartment shall be*  
39 *returned to the vehicle’s owner or otherwise disposed of, unless*

1 *the vehicle is being sold for scrap metal, until the false*  
2 *compartment is rendered unusable.*

3 *SEC. 2. No reimbursement is required by this act pursuant to*  
4 *Section 6 of Article XIII B of the California Constitution for*  
5 *certain costs that may be incurred by a local agency or school*  
6 *district because, in that regard, this act creates a new crime or*  
7 *infraction, eliminates a crime or infraction, or changes the*  
8 *penalty for a crime or infraction, within the meaning of Section*  
9 *17556 of the Government Code, or changes the definition of a*  
10 *crime within the meaning of Section 6 of Article XIII B of the*  
11 *California Constitution.*

12 *However, if the Commission on State Mandates determines that*  
13 *this act contains other costs mandated by the state,*  
14 *reimbursement to local agencies and school districts for those*  
15 *costs shall be made pursuant to Part 7 (commencing with Section*  
16 *17500) of Division 4 of Title 2 of the Government Code.*